

REMARKS/DISCUSSION:

This Response D is being filed within three months after the shortened statutory period for response that ended on December 8, 2008. Accordingly, a Petition for a Three-Month Extension of Time is made a part of the electronic filing for this Response C.

By this Response C claims 15-17, 20-21, and 29-30 are pending in this application. Claims 18-19 and 22-27 have been canceled. Claims 15 and 16 have been amended, and claims 28-30 have been added. Support for the amendments and new claims can be found at paragraph [0034] and [0037].

Amendment and/or cancellation of claims is not to be construed as a dedication to the public of any of the subject matter of the claims previously presented. Further, Applicant(s) reserves the right to prosecute the subject matter of such claims in continuation and/or divisional applications.

Applicant has carefully studied the outstanding Office Action. This Amendment is intended to be fully responsive to all points of rejection raised by the Examiner and is believed to place the application in condition for allowance. Favorable reconsideration and allowance of the application are respectfully requested.

Rejection under 35 U.S.C. § 102(a)

Claims 15-18, 20-21, 24-25 and 27 stand rejected as being anticipated by Okada et al. (US 6,340,352) as set forth in the office action.

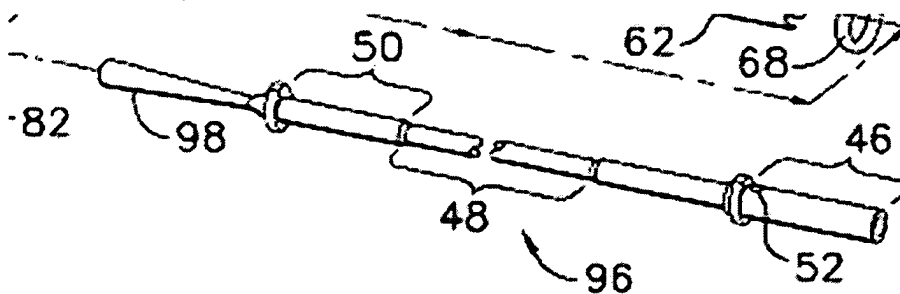
Claims 15 and 16 have been amended to more specifically recite the claimed invention. Okada fails to disclose or suggest a first portion having a cross sectional area greater than a second and third portion, each connected to the first portion, and where each of the second and third portions define an anti-node that further define a half-wave segment. Claim 17 is dependent upon claim 16

and claims 20 and 21 are dependent upon claim 15 and are not anticipated by Okada.

Rejection under 35 U.S.C. § 102(b)

Claims 15-27 stand rejected as being unpatentable over Haibel, et al. (US Pat No 6,254,623).

Regarding claim 15, the Examiner states that Haibel discloses an ultrasonic blade (96) having a one-half wave segment comprising a first portion (48), a second portion (50) and a third portion (46) wherein the first portion comprises a first cross sectional area and the second and third portions comprise a second cross-section area. (see portion of Fig. 1 reproduced below).



Claim 15 has been amended to recite an ultrasonic blade having more than one half-wave segment, and that a single half-wave segment defines a first portion and second and third portions having second cross-sectional area less than the first cross-sectional area. Further, the third portion defines a first anti-node and the second portion defines a second anti-node and the first and second anti-nodes define the one-half wave segment. Claim 16 has also been amended to include the cited elements. Haibel does not disclose or suggest such a continuous first, second and third portions having the stated geometries and nodal locations within a single half-wave segment contained in a blade with more than one half-wave segments.

Claim 17 is dependent upon amended claim 16, and therefore contains the same limitations.

Claims 20-21 are directly dependent upon claim 15 and contain the subject matter of amended claim 15, which is not disclosed by Haibel.

Double Patenting

Claims 24-27 have been canceled.

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Conclusion

Applicant submits that in view of the discussion, the objections and rejections under 35 U.S.C. § § 102 and 103 have been overcome and that the invention is now patentable over the cited prior. The Examiner is respectfully requested to reconsider all rejections and pass this case to issue.

Should any minor points remain prior to issuance of a Notice of Allowance, the Examiner is requested to telephone the undersigned at the below-listed telephone number.

The Commissioner is hereby authorized to charge any additional fees, which may be required to Account No. 10-0750/END-5009USNP/VEK.

Respectfully submitted,

/Verne E. Kreger, Jr., Reg. #35231/
Verne E. Kreger, Jr.

Verne E. Kreger, Jr.
Attorney for the Applicant(s)
Reg. No. 35,231

Johnson & Johnson
One Johnson & Johnson Plaza
New Brunswick, NJ 08933-7003
513 337-3295
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